

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
LAFAYETTE DIVISION

JOSHUA KUMMER and)
ALLISANDRA KUMMER,)
Plaintiffs,)
vs.) Case No. 4:21-cv-6
MATTHEW ARMSTRONG,)
G.G. BARNETT TRANSPORT, INC. and)
REDFORD TRUCK LINE, INC.,)
Defendants.)

NOTICE OF REMOVAL

Defendants Matthew Armstrong (“Armstrong”), G.G. BARNETT TRANSPORT, INC. (“G.G. Barnett”), and REDFORD TRUCK LINE, INC. (“Redford”) (collectively “Defendants”), by counsel, and pursuant to 28 U.S.C. §1332, file their Notice of Removal of the captioned matter to the United States District Court for the Northern District of Indiana, Lafayette Division, from the Benton Circuit Court, Indiana, and state as follows:

1. Defendants Matthew Armstrong, G.G. BARNETT TRANSPORT, INC., and REDFORD TRUCK LINE, INC. (“defendants”), are defendants in a personal injury action now pending in the Benton Circuit Court under Cause No. 04C01-2012-CT-000145.
2. Plaintiffs filed their Complaint in the Benton Circuit Court on December 4, 2020.

3. Counsel appeared for defendants, G.G. BARNETT TRANSPORT, INC., and REDFORD TRUCK LINE, INC. on December 17, 2020 and for after Matthew Armstrong on January 4, 2021. Defendants moved for an extension to and including February 2, 2021 to submit their Answer to the Complaint or file a responsive pleading.

4. Plaintiffs' Complaint is subject to removal on the grounds of diversity jurisdiction pursuant to 28 U.S.C. §1332.

5. Plaintiffs Joshua Kummer and Allisandra Kummer are citizens of the State of Indiana. Plaintiff Joshua Kummer is domiciled at 5806 E 500 S in Francesville, Indiana, 47946. Plaintiff Allisandra Kummer is domiciled at 5806 E 500 S in Francesville, Indiana, 47946.

6. Defendant, G.G. BARNETT TRANSPORT, INC., is a Wisconsin corporation with its principal place of business located at W 7530 County S in Juneau, Wisconsin, 53039. As a result, G.G. BARNETT TRANSPORT, INC., is a citizen of the State of Wisconsin. (See also, Plaintiffs' Complaint, ¶ 3).

7. Defendant, REDFORD TRUCK LINE, INC., is a Wisconsin corporation with its principal place of business located at W 7530 County S in Juneau, Wisconsin, 53039. As a result, Defendant, REDFORD TRUCK LINE, INC., is a citizen of the State of Wisconsin. (See also, Plaintiffs' Complaint, ¶ 4).

8. Defendant, Matthew Armstrong is a citizen of the State of Missouri. Armstrong is domiciled at 125 Shannon Street, East Prairie, Missouri, 63845. (See also, Plaintiffs' Complaint, ¶ 2).

9. Accordingly, the Plaintiffs are citizens of different states than the Defendants pursuant to 28 U.S.C. §1332.

10. While Plaintiffs' Complaint seeks an unspecified amount of damages, each Plaintiff, in their respective Responses to Requests for Admission, received on January 15, 2021, denies that their respective damages for which each Plaintiff will seek compensation does not exceed \$75,000, and each Plaintiff denies that they will not personally seek damages in excess of \$75,000, exclusive of interest and costs. (Exhibit A, pp. 2, 4). Therefore, the amount in controversy exclusive of interest and costs is greater than \$75,000, the jurisdictional threshold required by 28 U.S.C. §1332(a). Further, Defendants' removal to this Court is timely because it is within the thirty (30) days of the date Plaintiffs provided notice that the amount in controversy is in excess of \$75,000, exclusive of interest and costs.

11. Attached hereto as Exhibit A are complete copies of the Plaintiffs' Responses to Requests for Admissions.

12. Attached hereto as Exhibit B is a complete copy of the documents on file with the Benton Circuit Court as of the date of this filing of this Notice of Removal.

13. Upon the filing of the Notice of Removal, Defendants will file notice in the Benton Circuit Court, Fowler, Indiana, that this action has been removed to this Honorable Court and that pursuant to 28 U.S.C. §1446(d) no further proceedings may be had therein until, and if, the case is remanded. A copy of the notice to be filed in Benton Circuit Court, Cause No. 04C01-2012-CT-000145 is attached as Exhibit C.

Respectfully submitted,

WHITTEN LAW OFFICE

s/Christopher R. Whitten

Christopher R. Whitten/20429-49

Matthew K. Phillips/28724-49

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on January 25, 2021, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Ryan K. Johnson, Esq.
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s/Christopher R. Whitten

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